



O'MELVENY & MYERS LLP

RECEIVED
CENTRAL FAX CENTER

APR 06 2004

114 Pacifica, Suite 100
Irvine, California 92618-3318

TELEPHONE (949) 737-2900

FACSIMILE (949) 737-2300

OFFICIAL

FAX TRANSMITTAL

DATE & TIME:

Tuesday, April 06, 2004

TOTAL NUMBER OF PAGES:

9

TO:

Examiner Betty J. Forman
U.S. Patent Office, Art Unit 1634

FAX NUMBER:

(571) 273-0741

TELEPHONE NUMBER:

(571) 272-0741

FROM:

Diane K. Wong, Reg. No. 54,550

RETURN FAX NUMBER:

(949) 737-2300

TELEPHONE NUMBER:

(949) 737-2900

MESSAGE

Re: **Schweitzer et al.**
U.S. Application Serial No. 09/910,469Attorney Docket No. 612,406-014
(formerly docket 264/217)Document(s) attached:

1. Supplemental Information Disclosure Statement – 3 pages
2. Form PTO-1449 – 1 page
3. COPY of one reference cited therein – 4 pages

IF YOU DID NOT RECEIVE ALL PAGES, PLEASE CALL OUR FAX DEPARTMENT AT (949) 737-2981.

FILE NO.: 612,406-014
USER NO.: 13367
RESPONSIBLE ATTY NAME: Diane K. Wong
SPECIAL INSTRUCTIONS:RETURN ORIGINAL TO: Cinda
EXTENSION: 2974
LOCATION: IR

This document is intended for the exclusive use of the addressee. It may contain privileged, confidential, or non-disclosable information. If you are not the addressee, or someone responsible for delivering this document to the addressee, you may not read, copy, or distribute it. If you have received this document by mistake, please call us promptly and securely dispose of it. Thank you.

Patent US 503
Attorney Docket: 612,406-014
(former L&L Ref: 264/217)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED**
CENTRAL FAX CENTER**APR 06 2004****OFFICIAL**

In re the Application of:

Markus Schweitzer et al.

Serial No.: 09/910,469

Filed: July 19, 2001

Group Art Unit: 1634

Examiner: Betty J. Forman

For: SORTING AND IMMOBILIZATION
SYSTEM FOR NUCLEIC ACIDS USING
SYNTHETIC BINDING SYSTEMS

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449 and copies are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted to (571) 273-0741 on the date shown below to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 6, 2004
Date of Deposit
IR1:1053930.1

Cynthia B. Pacheco
Cynthia B. Pacheco

Patent US 503
Attorney Docket: 612,406-014
(former L&L Ref: 264/217)

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☐ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☒ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☒ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

Statement Under 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

Patent US 503
Attorney Docket: 612,406-014
(former L&I. Ref: 264/217)

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of \$180.00 is enclosed for the above fee(s).
☒ Please charge \$180.00 to Deposit Account No. 50-2862 for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to O'Melveny and Myers' Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: April 6, 2004

By: *Diane K. Wong*
Diane K. Wong
Reg. No. 54,550
Attorneys for Applicant

DKW/cp
114 Pacifica, Suite 100
Irvine, CA 92618-3315
(949) 737-2900

FORM PTO-1449**LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S
INFORMATION DISCLOSURE STATEMENT****(Use several sheets if necessary)****ATTY. DOCKET NO.**612,406-014
(formerly 264/217)**SERIAL NO.**

09/910,469

APPLICANT:

Schweitzer et al.

FILING DATE:

July 19, 2001

GROUP:

1634

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	AA	MICULKA et al., <i>European BioPharmaceutical Review</i> , p. 52-57 (June 1998)

EXAMINER:**DATE CONSIDERED:**

EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant